IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 10154 of 2004

Between:

S. Aniruth Kumar, S/o. Madanalal (Late)
E.No. 85003, F.M. Depot, Hyderabad, R/o. H.No. 23-5-1114
Inside Gowlipura Market, Hyderabad - 500 065.

... PETITIONER

AND

Depot Manager, A.P.S.R.T.C.
Falaknuma Depot, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing suspension order No. 02/95(15) 2004-F.M. dated 15-5-2004, without passengers statements, without TTIS special report, without Top Punch tickets, without cash and ticket irregularities except mentioning the stages 01 to 04 in the SR instead of 04 to 01 due to BP and giddiness in a single trip by confusion but not intention, is as illegal, unjust, contrary to law and in violation of Articles of natural justice by granting all consequential benefits and set-aside the Suspension Order No. 02/95 (15)/2004-F.M. dated 15-5-2004 passed by the respondent herein and pass

Counsel for the Petitioner: MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent: MR.K.HARINATH (SC FOR APSRTC)

The Court Made the Following Order:

ORDER:

While the petitioner was performing duty on route No.67 'K' on 07.05.2004, the checking officials checked the bus and found certain irregularities. Basing on the said cash and ticket irregularities, the petitioner was placed under suspension. Questioning the same the present writ petition is filed.

The learned counsel appearing for the petitioner vehemently contended that there is no cash irregularity but the only thing is; instead of writing on the STAR document as 4 to1, the writ petitioner wrote 1 to 4 and this does not amount to misconduct and hence he prays to set aside the suspension order.

On the other hand, the learned counsel appearing for the respondent contended that there is no possibility to re-issue tickets again and therefore, whether the petitioner has committed any cash and ticket irregularity has to be decided in the enquiry itself and therefore, it is not a case to interfere with the suspension order at this stage.

As rightly pointed out by the learned counsel for the respondent for the Corporation, whether the conduct of the petitioner amounts to any misconduct or not has to be decided in the enquiry. The competency of the person

who placed the writ petitioner under suspension is not disputed before this Court. Therefore, the alleged irregularities with regard to cash and tickets have to be decided by the enquiry officer. Hence, the impugned order does not suffer from any legal infirmities so as to call for interference by this Court.

However, a direction can be given to the first respondent to complete the enquiry within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of, but under the circumstances without costs.

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(K.C. BHANU, J)

June 22, 2004

Dsk/Sj

Copy to:

1. Depot Manager, A.P.S.R.T.C.
Falaknuma Depot, Hyderabad.
2. Two C.D. Copies